

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
(Page 1)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **AUDIO IDENTIFICATION SYSTEM AND METHOD**

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, the specification of which  is attached hereto  was filed on \_\_\_\_\_ as United States Application No. or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b), of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	(Yes/No) <u>Priority Claimed</u>
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>
60/218,824	July 18, 2000
60/155,064	September 21, 1999

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status</u> ( <u>Patented, Pending, Abandoned</u> )
09/420,945	October 19, 1999	Pending

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
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I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

**KATTEN MUCHIN ZAVIS**  
Customer Number: 27160

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor Stephen C. KENYON  
Inventor's signature Stephen C. Kenyon  
Date July 12, 2001 Citizen/Subject of U.S.A.  
Residence 12404 Bunche Road  
Fairfax, Virginia 22030  
Post Office Address Same as Residence

Full Name of Second Joint Inventor, if any Laura SIMKINS  
Second Inventor's signature Laura Simkins  
Date JULY 12, 2001 Citizen/Subject of U.S.A.  
Residence 12504 Piedmont Road  
Clarksburg, Maryland 20871  
Post Office Address Same as Residence

Applicant or Patentee: STEPHEN C. KENYON, ET AL.  
Application or Patent No.: NYA  
Filed or Issued: Concurrently Herewith  
For: AUDIO IDENTIFICATION SYSTEM AND METHOD

KATTEN MUCHIN ZAVIS  
File No.: 13680.00005

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below-named inventor, I hereby state that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention, entitled

described in

- the specification filed herewith.  
  
 application no. \_\_\_\_\_, filed \_\_\_\_\_.  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern, or organization  
 persons, concerns or organizations listed below\*

\*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities.

(37 C.F.R. § 1.27)

FULL NAME ICEBERG INDUSTRIES, LLC  
ADDRESS 3545 CHAIN BRIDGE ROAD, FAIRFAX, VA 22030

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

STEPHEN C. KENYON

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**NAME OF INVENTOR**

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**Signature of Inventor**

12 July 2001

Date

LAURA SIMKINS

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**NAME OF INVENTOR**

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**Signature of Inventor**

Hanna Dimkens  
July 12, 2001

Date

Applicant or Patentee: STEPHEN C. KENYON, ET AL. Attorney's  
Application or Patent No.: NYA Docket No.: 13680.00005  
Filed or Issued: Concurrently Herewith  
For: AUDIO IDENTIFICATION SYSTEM AND METHOD

STATEMENT CLAIMING SMALL ENTITY  
STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby state that I am

  

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ICEBERG INDUSTRIES, LLC  
ADDRESS OF 3545 CHAIN BRIDGE ROAD, FAIRFAX, VA 22030

I hereby state that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §§ 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled AUDIO IDENTIFICATION SYSTEM AND METHOD

by inventor(s) STEPHEN C. KENYON AND LAURA SIMKINS  
described in

  
  

the specification filed herewith

application no. \_\_\_\_\_, filed \_\_\_\_\_

patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 C.F.R. § 1.27)

NAME ICEBERG INDUSTRIES, LLC

ADDRESS 3545 CHAIN BRIDGE ROAD, FAIRFAX, VA 22030

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

NAME OF PERSON SIGNING STEPHEN C. KENYON

TITLE OF PERSON OTHER THAN OWNER PRESIDENT

ADDRESS OF PERSON SIGNING 3545 CHAIN BRIDGE ROAD, FAIRFAX, VA 22030

SIGNATURE Stephen C. Kenyon DATE 12 July 2001